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March 31, 2020

Via ECF

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Jonathan Cunningham
13 Cr. 17 (PKC)

Dear Judge Castel:

I write to request that the Court advance Mr. Cunningham's sentence date. Mr. Cunningham, having been charged with violating the terms of his supervised release, appeared before Your Honor on February 21, 2020. At the appearance, Mr. Cunningham admitted to Specification Three which alleged that he committed the State crime of criminal sale of a controlled substance in the third degree. Sentencing is currently on the calendar for June 26, 2020.

The Bureau of Prisons recently revealed a list of inmates who are as at "high risk" of contracting COVID-19. Mr. Cunningham is on this list. This fact, coupled with several mitigating factors which will be briefed in counsel's sentencing submission, we feel warrant advancing the sentence date. While the government has not been informed of all of the mitigating factors, and reserves its rights regarding what sentence to seek in this case, the government does not object to advancing Mr. Cunningham's sentencing date in these circumstances.

Accordingly, I ask that this matter be put on the Court's calendar in the immediate future. If approved, we ask that counsel and Probation be permitted to appear by telephone. I thank Your Honor for his consideration.

Respectfully submitted,

Elizabeth E. Macedonio

Elizabeth E. Macedonio
Counsel for the Defendant
Jonathan Cunningham

cc: Drew Skinner, AUSA